

## LEGISLATIVE BILL 864

Approved by the Governor April 7, 2010

Introduced by Pirsch, 4; Ashford, 20; Carlson, 38; Council, 11; Fulton, 29; Giese, 17; Nelson, 6.

FOR AN ACT relating to the Community Corrections Act; to amend sections 47-619 and 47-624, Revised Statutes Cumulative Supplement, 2008; to provide, change, and eliminate duties for the Community Corrections Council regarding reporting centers; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 47-619, Revised Statutes Cumulative Supplement, 2008, is amended to read:

47-619 Sections 47-619 to 47-634 and section 3 of this act shall be known and may be cited as the Community Corrections Act.

Sec. 2. Section 47-624, Revised Statutes Cumulative Supplement, 2008, is amended to read:

47-624 The council shall:

(1) Develop standards for eligible community correctional facilities and programs in which offenders can participate, taking into consideration the following factors:

- (a) Qualifications of staff;
- (b) Suitability of programs;
- (c) Offender needs;
- (d) Probation population;
- (e) Parole population; and
- (f) Other applicable criminal justice data;

(2) Develop and implement a plan to establish statewide operation and use of a continuum of community correctional facilities and programs;

(3) Develop, in consultation with the probation administrator and the Parole Administrator, standards for the use of community correctional facilities and programs by the Nebraska Probation System and the parole system;

~~(4) Develop, recommend, and review sentencing guidelines for adoption by the Supreme Court as set forth in section 47-630;~~

(4) Collaborate with the Office of Probation Administration, the Office of Parole Administration, and the Department of Correctional Services on the development of additional reporting centers as set forth in section 3 of this act;

(5) Analyze and mandate the consistent use of offender risk assessment tools;

~~(6) Develop standards for eligibility of probationers and parolees in certain community correctional facilities and programs;~~

~~(7) (6) Educate the courts, and the Board of Parole, criminal justice system stakeholders, and the general public about the availability and use of community correctional facilities and programs;~~

~~(8) (7) Enter into contracts, if necessary, for carrying out the purposes of the Community Corrections Act;~~

~~(9) (8) In order to ensure adequate funding for substance abuse treatment programs for probationers, consult with the probation administrator as provided in section 29-2262.07 and develop or assist with the development of programs as provided in subdivision (14) of section 29-2252;~~

~~(10) (9) In order to ensure adequate funding for substance abuse treatment programs for parolees, consult with the Office of Parole Administration as provided in section 83-1,107.02 and develop or assist with the development of programs as provided in subdivision (8) of section 83-1,102;~~

~~(11) (10) If necessary to perform the duties of the council, hire, contract for, or otherwise obtain the services of consultants, researchers, aides, and other necessary support staff;~~

~~(12) (11) Study substance abuse and mental health treatment services in and related to the criminal justice system, recommend improvements, and evaluate the implementation of improvements;~~

~~(13) Study, develop, and implement minimum standards for the development and use of community correctional facilities and programs;~~

~~(14) Develop and implement a plan for statewide use of community correctional facilities and programs;~~

(12) Research and evaluate existing community corrections facilities and programs, within the limits of available funding;

(13) Develop standardized definitions of outcome measures for community corrections facilities and programs, including, but not limited to, recidivism, employment, and substance abuse;

(14) Report annually to the Legislature and the Governor on the development and performance of community corrections facilities and programs. The report shall include the following:

(a) A description of community corrections facilities and programs, endorsed by the council, currently serving offenders in Nebraska, which includes the following information:

(i) The target population and geographic area served by each facility or program, eligibility requirements, and the total number of offenders utilizing the facility or program over the past year;

(ii) Services provided to offenders at the facility or in the program;

(iii) The costs of operating the facility or program and the cost per offender; and

(iv) The funding sources for the facility or program;

(b) The progress made in expanding community corrections facilities and programs statewide and an analysis of the need for additional community corrections services;

(c) An analysis of the impact community corrections facilities and programs have on the number of offenders incarcerated within the Department of Correctional Services; and

(d) The recidivism rates and outcome data for probationers, parolees, and problem-solving-court clients participating in community corrections programs;

(15) Grant funds to entities including local governmental agencies, nonprofit organizations, and behavioral health services which will support the intent of the act; and

(16) Perform such other duties as may be necessary to carry out the policy of the state established in the act.

Sec. 3. (1)(a) The council shall collaborate with the Office of Probation Administration, the Office of Parole Administration, and the Department of Correctional Services in developing a plan for the implementation and funding of reporting centers in Nebraska.

(b) The plan shall include recommended locations for at least one reporting center in each district court judicial district that currently lacks such a center and shall prioritize the recommendations for additional reporting centers based upon need.

(c) The plan shall also identify and prioritize the need for expansion of reporting centers in those district court judicial districts which currently have a reporting center but have an unmet need for additional reporting center services due to capacity, distance, or demographic factors.

(2) The council shall submit the reporting center expansion plan to the chairperson of the Sentencing and Recidivism Task Force, as created in Legislative Resolution 171, One Hundred First Legislature, First Session, 2009, by December 1, 2010. The plan shall be implemented as state funding allows until each district court judicial district has at least one reporting center.

Sec. 4. Original sections 47-619 and 47-624, Revised Statutes Cumulative Supplement, 2008, are repealed.